

COUNSEL LISTED ON SIGNATURE PAGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

**IN RE ABBOTT LABORATORIES
NORVIR ANTITRUST LITIGATION**

Case No. 04-1511 CW

**STIPULATION AND ORDER TO
ADJOURN THE CURRENT TRIAL
SCHEDULE AND SETTING A DATE FOR
HEARING ON JOINT MOTION FOR
INTERLOCUTORY APPEAL AND
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Judge: Honorable Claudia Wilken

WHEREAS, the pre-trial conference for this action is presently set for August 5, 2008;

WHEREAS, a bench trial for this action is currently scheduled to begin on August 18, 2008
and conclude by August 28, 2008;

WHEREAS, the parties desire to resolve this matter without the inherent risks involved with
trial;

WHEREAS, after extensive, bona fide, arm's-length negotiations, including mediation
before the Honorable Edward A. Infante (ret.), former Chief Magistrate Judge of the U.S. District
Court, Northern District of California, the parties have determined that a settlement is in their mutual
best interests;

1 WHEREAS, the parties have reached an agreement in principle of the material terms of the
2 settlement;

3 WHEREAS, the parties currently are working on a formal settlement agreement; and

4 WHEREAS, as part of the settlement, the parties intend on seeking preliminary approval of a
5 class action settlement plan, which is contingent on this Court's certification of three interlocutory
6 issues to the Ninth Circuit and the appellate determination of those issues;

7 IT IS HEREBY STIPULATED by and between the parties, through their counsel of record
8 that:

- 9 1. All dates scheduled in this action are adjourned, including the current pretrial
10 conference date of August 5, 2008 and the dates for trial beginning on August 18,
11 2008;
- 12 2. The parties shall file a joint motion for interlocutory appeal and preliminary approval
13 of a class action settlement no later than August 13, 2008; and
- 14 3. The hearing date on the parties' joint motion for interlocutory appeal and preliminary
15 approval of class action settlement shall be set for August 19, 2008 or an alternative
16 date convenient to the Court.

17 Respectfully submitted,

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19 Dated: July 30, 2008

20 By: /s/ James F. Hurst

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27
28

Dated: July 30, 2008

By: /s/ Christopher T. Heffelfinger

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Co-Counsel for Plaintiffs

Hollis L. Salzman
Michael W. Stocker
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LABATON SUCHAROW LLP
Co-Counsel for Plaintiffs

IT IS SO ORDERED.

Dated: July 31, 2008



Honorable Claudia Wilken
United States District Judge

GENERAL ORDER 45 ATTESTATION

I, James F. Hurst, am the ECF User whose ID and password was used to file this STIPULATION AND [PROPOSED] ORDER TO ADJOURN THE CURRENT TRIAL SCHEDULE AND SETTING A DATE FOR HEARING ON JOINT MOTION FOR INTERLOCUTORY APPEAL AND PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT. In compliance with General Order 45, X.B., I hereby attest that Christopher T. Heffelfinger, counsel for Plaintiffs, concurred in this filing.

Dated: July 30, 2008

By: /s/ James F. Hurst
James F. Hurst
WINSTON & STRAWN LLP
Counsel for Defendant